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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

07 NOV 16 AM 9:28

UNITED STATES OF AMERICA,

Plaintiff,

v.

Alejandro SANCHEZ-Hernandez,

Defendant

Magistrate Docket No.

07 MJ 2677

COMPLAINT FOR VIOLATION OF:

DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

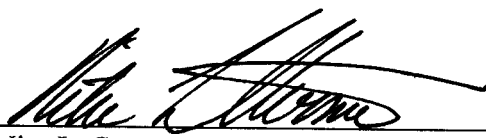
The undersigned complainant, being duly sworn, states:

On or about **November 15, 2007** within the Southern District of California, defendant, **Alejandro SANCHEZ-Hernandez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **16th** DAY OF **November**, **2007**


 Nita L. Stormes

UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Alejandro SANCHEZ-Hernandez

PROBABLE CAUSE STATEMENT

On November 15, 2007, Border Patrol Agents O. Eberle and W. Neimeyer were conducting uniformed patrol duties in Potrero, California. At approximately 8:00 A.M. Agents Eberle and Neimeyer responded to an intrusion alert near an area known as "Cowboy Camp" approximately two miles east of the Tecate Port of Entry and four miles north of the International Boundary. The agents walked south on a foot trail and encountered a small group of persons that were walking north. The group ran, but the agents were able to catch up to all six people. After identifying themselves as Border Patrol Agents, they proceeded to conduct an Immigration inspection. All six, including one later identified as **Alejandro SANCHEZ-Hernandez**, stated they were citizens and nationals of Mexico, not in possession of immigration documents that would allow them to enter or remain in the United States legally. All six aliens were placed under arrest and transported to the Tecate Processing Center.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on August 1, 2007 through Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of Miranda Rights. The defendant stated that he understood his rights, and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico without documents to enter or remain in the United States legally. The defendant further stated that he did not ask permission from the Attorney General of the United States to re-enter the United States after having been deported.